IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5442 OF 2005
IN
FIRST APPEAL NO.1612 OF 2006

Municipal Corpn. of Gr.Mumbai ...Applicant
Vs.
Smt Pabbibai Ganesh Chouhan & Ors. ...Respondents

Shri J.J. Xavier for the Applicant.
Shri T.J. Mendon for the Respondent Nos.1 to 3.

CORAM : A. S. OKA, J.
DATE : AUGUST 02, 2006.

P.C.:

1. Rule. Respondents waives service. Taken up for hearing forthwith.

2. The Applicant will have to deposit the entire amount due and payable as per the impugned award with the concerned Tribunal. Considering the evidence on record and considering the facts and circumstances of the case, some amount will have to be permitted to be withdrawn by the original claimants.

3. Hence, Civil Application is disposed of by passing following order:

(i) There will be interim relief in terms of prayer clause (a) subject to condition of the

Applicant depositing the entire amount due and payable as per the impugned judgment and award in the Tribunal within period of twelve weeks from today.

(ii) If the amount is not deposited within the stipulated time, interim stay will stand vacated without further reference to the court.

(iii) If the amount is deposited within the stipulated time, the Tribunal will permit the original claimants to withdraw a sum of Rs.50,000/- without security and a further sum of Rs.01,75,000/- on furnishing adequate security. Before accepting the security the Tribunal will hear the present Applicant.

(iv) The Tribunal will invest the balance amount in fixed deposit in any nationalised bank initially for a period of three years and thereafter the fixed deposit will be renewed on yearly basis till the final disposal of the Appeal.

JUDGE